

17. (Amended) An isolated DNA molecule encoding [a protein that comprises the amino acid sequence of the hybrid toxin fragment of claim 1.] a polypeptide comprising an insecticidal *Bacillus thuringiensis* hybrid toxin fragment, comprising:

a) \_\_\_\_\_ at a C-terminus of said fragment, domain III of a first Cry protein; and

b) \_\_\_\_\_ at an N-terminus of said fragment, domains I and II of a second Cry protein different from the first Cry protein.

21. (Amended) An isolated [*Bacillus thuringiensis* hybrid toxin fragment] DNA molecule according to claim [1] 17, wherein said hybrid toxin fragment binds to a binding site in an insect gut that is different than the site bound by said first Cry protein.

Please add new claims 41-57 as follows:

41. An isolated DNA molecule according to claim 17, wherein said first Cry protein is CryIC.

42. An isolated DNA molecule according to claim 17, wherein said second Cry protein is selected from the group consisting of CryIA, CryIE, and CryIG.

43. An isolated DNA molecule according to claim 42, wherein said second Cry protein is CryIA.

44. An isolated DNA molecule according to claim 42, wherein said second Cry protein is CryIE.

45. An isolated DNA molecule according to claim 42, wherein said second Cry protein is CryIG.

46. An isolated DNA molecule according to claim 17, wherein said first Cry protein is CryIC, and wherein said second Cry protein is CryIA, CryIE, or CryIG.

47. An isolated DNA molecule according to claim 17, wherein said C-terminus comprises the sequence from amino acid position 454 to position 602 of SEQ ID NO:2.

48. An isolated DNA molecule according to claim 17, wherein said C-terminus comprises the sequence from amino acid position 478 to position 602 of SEQ ID NO:2.

49. An isolated DNA molecule according to claim 17, wherein said insecticidal *Bacillus thuringiensis* hybrid toxin fragment comprises an amino acid sequence at least 90% similar to amino acids 1-620 of SEQ ID NO:6.

50. An isolated DNA molecule according to claim 17, wherein said insecticidal *Bacillus thuringiensis* hybrid toxin fragment comprises an amino acid sequence at least 90% similar to amino acids 1-627 of SEQ ID NO:8.

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51. An isolated DNA molecule according to claim 17, wherein said insecticidal *Bacillus thuringiensis* hybrid toxin fragment comprises an amino acid sequence at least 90% similar to amino acids 1-602 of SEQ ID NO:12.
52. An isolated DNA molecule according to claim 17, comprising a nucleotide sequence that hybridizes to nucleotides 1-1860 of SEQ ID NO:5 under the following set of conditions: hybridization at 7% sodium dodecyl sulfate (SDS), 0.5 M NaPO<sub>4</sub> pH 7.0, 1 mM EDTA at 50°C; wash with 2X SSC, 1% SDS, at 50°C.
53. An isolated DNA molecule according to claim 17, comprising a nucleotide sequence that hybridizes to nucleotides 1-1881 of SEQ ID NO:7 under the following set of conditions: hybridization at 7% sodium dodecyl sulfate (SDS), 0.5 M NaPO<sub>4</sub> pH 7.0, 1 mM EDTA at 50°C; wash with 2X SSC, 1% SDS, at 50°C.
54. An isolated DNA molecule according to claim 17, comprising a nucleotide sequence that hybridizes to nucleotides 1-1806 of SEQ ID NO:11 under the following set of conditions: hybridization at 7% sodium dodecyl sulfate (SDS), 0.5 M NaPO<sub>4</sub> pH 7.0, 1 mM EDTA at 50°C; wash with 2X SSC, 1% SDS, at 50°C.
55. An isolated DNA molecule according to claim 17, comprising a nucleotide sequence that is at least 90% identical to nucleotides 1-1860 of SEQ ID NO:5.
56. An isolated DNA molecule according to claim 17, comprising a nucleotide sequence that is at least 90% identical to nucleotides 1-1881 of SEQ ID NO:7.
57. An isolated DNA molecule according to claim 17, comprising a nucleotide sequence that is at least 90% identical to nucleotides 1-1806 of SEQ ID NO:11.

#### REMARKS

The title has been changed to more accurately reflect what is being claimed. The continuing data has also been updated. Claims 1-16, 18-20, 29-31, 35-40 have been canceled; claims 17 and 21 have been amended; and new claims 41-57 have been added. Thus, the pending claims are 17, 21-28, 32-34, and 41-57.

Applicants note that claim 17 (now the sole independent claim) has been amended to recite the encoded hybrid *Bt* toxin using language identical to that in allowed claim 1 of parent application no. 09/001,982. Thus, it is believed that claim 17 of the instant application is allowable as amended. The